

LAW OFFICES OF DALE K. GALIPO

Dale K. Galipo, Esq. (Bar No. 144074)
dalekgalipo@yahoo.com
Hang D. Le, Esq. (Bar No. 293450)
hlee@galipolaw.com
21800 Burbank Boulevard, Suite 310
Woodland Hills, California, 91367
Telephone: (818) 347-3333
Facsimile: (818) 347-4118

LAW OFFICE OF STEWART KATZ

Stewart Katz, State Bar #127425
555 University Avenue, Suite 270
Sacramento, California 95825
Telephone: (916) 444-5678

Attorneys for Plaintiffs

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

VERONICA MCLEOD, individually
and as successor in interest to decedent,
DOLORES HERNANDEZ; AMADO
HERNANDEZ, individually and as
successor in interest to decedent,
DOLORES HERNANDEZ; and
YSIDRA REGALDO, individually,

Plaintiffs,

vs.

CITY OF REDDING; GARRETT
MAXWELL, an individual; and DOES
1-10, inclusive,

Defendants.

Case No. 2:22-cv-00585-WBS-JDP

*Honorable William B. Shubb
Hon. Magistrate Jeremy D. Peterson*

**STIPULATION AND REQUEST
FOR ORDER TO MODIFY THE
TRIAL SCHEDULE**

**TO THE HONORABLE COURT, ALL PARTIES, AND THEIR
ATTORNEYS OF RECORD:**

Plaintiffs VERONICA MCLEOD, individually and as successor in interest to decedent, DOLORES HERNANDEZ; AMADO HERNANDEZ, individually and as successor in interest to decedent, DOLORES HERNANDEZ; and YSIDRA REGALDO, individually (“Plaintiffs”), and Defendants CITY OF REDDING and GARRETT MAXWELL (“Defendants”) (collectively “the Parties”), hereby submit this Stipulation and Request for an Order to Modify the Trial Schedule.

STATEMENT OF GOOD CAUSE

1. On July 25, 2022, the Court issued a Scheduling Order (Dkt. No. 8) setting relevant date and deadlines, including a January 8, 2024 trial date.

2. On June 22, 2023, the Parties filed a Stipulation and Request for Order to Modify the Scheduling Order, requesting that the Court continue to case management dates in order to facilitate an early Settlement Conference. (*See* Dkt. No. 17.)

3. On June 27, 2023, the Court granted the Parties’ Request to Modify the Scheduling Order and continued all case management dates, including the trial date from January 8, 2024 to September 10, 2024. (*See* Dkt. No. 18.)

4. On October 25, 2023, the Parties participated in a Settlement Conference before Magistrate Judge Jeremy D. Peterson. The case did not settle at that time and after discussions with Judge Peterson, the parties agreed to a further Settlement Conference, set for June 26, 2024. (*See* Dkt. No. 24.)

5. On April 2, 2024, the Calendar Unit for the United States Court of Appeals for the Ninth Circuit contacted Plaintiffs’ counsel to schedule oral arguments in *Estate of Aguirre, et al. v. County of Riverside, et al.*, case no. 23-55718, for September 17, 2024 at 1:00 p.m. in San Francisco, California. The

1 current appeal is a “comeback case”¹ for which the original panel is specifically
2 reconvening to hear oral arguments. The panel consists of Judge M. Margaret
3 McKeown, who assumed senior status in September 2022, Judge Ronald M. Gould,
4 and Judge Jane A. Restani, judge for the United States Court of International Trade,
5 sitting by designation.

6 6. In the event that this case does not settle and moves forward with trial
7 on September 10, 2024, Plaintiff’s counsel Dale K. Galipo respectfully requests that
8 the Court modify the current trial schedule in order to allow Plaintiff’s counsel to
9 appear for in-person oral arguments on September 17, 2024 in the *Estate of Aguirre*
10 case. The Parties have met conferred on this issue and agree that there is good cause
11 to modify the Court’s trial schedule.

12 7. Accordingly, the Parties stipulate and jointly request that the Court
13 designate September 17, 2024 as a “trial dark day” in order to allow Plaintiff’s
14 counsel to travel to San Francisco on September 17, 2024 for in-person oral
15 arguments before the Ninth Circuit three-judge panel.

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22 ¹ The Ninth Circuit defines a “comeback case” as any “subsequent appeal[] from a
23 district court case involving substantially the same parties and issues from which
24 there previously had been a calendared appeal.” Ninth Cir. General Order 1.12. The
25 current *Estate of Aguirre* appeal is a second challenge to the district court’s denial of
26 qualified immunity to the involved sheriff’s deputy after a jury trial in which the
27 jury found in favor of the plaintiffs on their Fourth Amendment excessive force
28 claim. The sheriff’s deputy previously filed an interlocutory appeal challenging the
district court’s denial of qualified immunity on summary judgment. In a published
opinion, the three-judge panel affirmed the district court’s denial of qualified
immunity. *See Estate of Aguirre v. Cnty of Riverside*, 29 F.4th 624 (9th Cir. 2022)

1 Respectfully submitted,

2 DATED: April 10, 2024

LAW OFFICES OF DALE K. GALIPO
LAW OFFICE OF STEWART KATZ

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4
5 By /s/ Hang D. Le

6 Dale K. Galipo
7 Stewart Katz
8 Hang D. Le
9 Attorneys for Plaintiffs
10 VERONICA MCLEOD, AMADO
11 HERNANDEZ. and YSIDRA REGALDO

12 DATED: April 10, 2024

ALLEN, GLAESSNER, HAZELWOOD
& WERTH, LLP

13 By /s/ Dale L. Allen, Jr. (as auth. 4/10/2024)

14 Dale L. Allen, Jr.
15 Ameet D. Patel
16 Attorneys for Defendants
17 CITY OF REDDING and GARRET
18 MAXWELL
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